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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 14 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Guatemala to the United Nations addressed to the Secretary-General

As you are aware, the Government of Guatemala, after the start of the talks with the Unidad Revolucionaria Nacional Guatemalteca (URNG) with a view to bringing the latter into peaceful political life, presented a comprehensive set of proposals on the agreed agenda for dialogue and requested URNG to make known its proposals in that regard. In May URNG presented a document which included proposals relating to changes in the procedure of the talks. In this connection I have the honour to transmit to you a document entitled "Response to the URNG comprehensive set of proposals of May 1992", which was drawn by the Government of Guatemala and outlines the current situation and the timetable for the dialogue and negotiations (see annex).

I should be grateful if you would have this document circulated as an official document of the General Assembly, under item 36 of the preliminary list.

(Signed) Rafael CASTELLANOS CARRILLO
Ambassador
Chargé d'affaires a.i.

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ANNEX

PEACE COMMISSION

MEMORANDUM

CURRENT SITUATION OF AND TIMETABLE FOR THE PEACE NEGOTIATIONS

1 July 1992

A. Following the conclusion of the Mexico City Agreement (on negotiation content, procedures and agenda) and the Querétaro Agreement (on democratization), URNG presented to the Conciliator, the United Nations Observer and the Government delegation its specific proposals on the subject of human rights, consisting of eleven (11) points.

B. Since then, several meetings, plenary as well as restricted, have been held, attended by the Government delegation, the Conciliator, the Observer and URNG, as well as a number of "shuttle" meetings which the Conciliator and the Observer held with the two parties separately. As a result of these meetings, agreement was reached, in January 1992, on eight (8) of the eleven (11) items contained in the proposals originally presented by URNG. The parties' approval of the eight agreed points is reflected in documents signed by the Conciliator, the Observer and representatives of the Government and URNG.

C. In view of the lack of progress meeting which the restricted delegations of the parties held with the Conciliator and the Observer in February 1992, the outcome of which was announced in a press release dated 23 February 1992, and following a number of "shuttle" type meetings, the Conciliator presented to the parties, on 6 May 1992, his proposal aimed at reconciling the parties' positions on the three (3) outstanding points:

1. Protection of the civilian population and wounded and captured combatants;

2. Commission on the Past for Reconciliation and Peace;

3. Freedom of association and movement (Voluntary Civil Defence Committees),

and an additional item concerning the application of agreements on human rights.

D. On 11 May 1992, the Constitutional President of the Republic informed the Conciliator in writing of the acceptance, by the Government of the Republic, of the proposal made by Monsignor Quezada Toruño.

E. On 15 May 1992, the Conciliator delivered to the Government the document in which URNG finally responded to the request made to it by President Serrano in February of this year; this reply contains the insurgents' comprehensive set of proposals relating to a number of substantive topics, and is a framework document for matters to be negotiated and whose discussion was made conditional by URNG on the prior signature of an agreement on human rights.

F. On 30 June 1992, the Government transmitted to the Conciliator its reply to URNG's comprehensive set of proposals.

G. As of today URNG has made no official pronouncement on the proposal the Conciliator transmitted to it on 6 May 1992 on outstanding human rights issues.

H. Conclusions:

1. No progress can be made in completing consideration of the human rights issue because URNG has not accepted the proposal made by Monsignor Quezada Toruño referred to under section C above; this, in view of the conditionality imposed by URNG, is holding up the start of negotiations on its own comprehensive set of proposals.

2. URNG's comprehensive set of proposals covers some of the items contained in the general agenda (Mexico City Agreement), listing all the specific points to be discussed on each of them, but fails to touch upon other elements covered by the negotiation, such as (8) bases for bringing URNG into the political life of the country; (9) arrangements for the final cease-fire; (10) timetable for the implementation, fulfilment and verification of agreements; and (11) demobilization.

3. The Government has requested the Conciliator to contact the Secretary-General of the United Nations in order that, as was done in regard to verification of the agreements on human rights, he might transmit an initial proposal with a view to dealing with the matters referred to in paragraph 2 above and not covered by URNG in its comprehensive set of proposals. This United Nations proposal would be negotiated at the same time as the other issues, in parallel meetings.

4. URNG's presentation of its comprehensive set of proposals and the Government's reply to it are clearly measures that will facilitate the negotiations, but they need to be given greater impetus; therefore, the Government proposes that the Conciliator, the Observer and the parties deem themselves in "permanent session" as from the second fortnight of the current month of July, holding meetings on alternate weeks (one week on and one week off) until the agenda for the negotiations has been exhausted and the agreement on a firm and lasting peace has been signed.

GOVERNMENT OF THE REPUBLIC OF GUATEMALA

RESPONSE TO THE COMPREHENSIVE SET OF PROPOSALS PUT FORWARD BY THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA (URNG) IN MAY 1992

"Peace is not just the absence of war, but the creation of a set of conditions which will allow man to live without fear or anxiety."

Jorge Serrano Elías

30 June 1992

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INTRODUCTION

We feel it is appropriate to begin with the same words used by the Unidad Revolucionaria Nacional Guatemalteca (URNG) in introducing its proposal, since they are relevant, valid for all Guatemalan citizens, and true:

"New national and international conditions make it possible and practicable for us to embark on this unprecedented process".

The people of Guatemala rightly aspire to peace and wish to end as soon as possible the painful sequence of death and destruction caused by violence, set Guatemala on the road to development with justice, and achieve general prosperity in an atmosphere of harmony.

The generations who suffered long years of anguish have risen above the fratricidal struggle and day by day for 10 years have determinedly built a peaceful coexistence, within the legal and ethical framework of democratic institutions. Spontaneous popular demonstrations in favour of peace have occurred continually in various parts of the country and, inspired by a spirit of reconciliation, have called repeatedly for an end to the nonsensical belief that politics can be conducted with arms in hand. In addition, the various social, economic and political sectors have expressed clear and unanimous support for an end to the armed conflict and a peaceful solution to the country's problems based on the rule of law and democratic participation.

Peace can be achieved because a long-term democratization process is under way in the country, constantly offering all social, economic and political forces greater scope for participation with full guarantees.

There can be no doubt that the country now has a proven and reliable electoral system. The provisional results of an election are known on the day of the balloting and, within 48 hours, when the final results are known, the losers acknowledge the outcome and congratulate the winners.

Political pluralism is guaranteed. There is no discrimination on ideological, political or social grounds affecting the registration or operation of political parties, for which the requirements are few and reasonable (there are 18 recognized parties).

Guatemalans and foreigners alike now know that the Guatemalan authorities rest on a legitimate basis and that any political force may freely promote its views without having to resort to arms.

The creation of a transparent and efficient electoral system (something which seemed to be the preserve of nations with a long democratic tradition) is undoubtedly an essential cornerstone of democracy and peace.

In addition to the Supreme Electoral Court, there are other new institutions, such as the Office of the Human Rights Advocate and the Court of Constitutionality, whose prestige is recognized within and outside the country and which enjoy the confidence and trust of the Guatemalan people.

The process of democratization is constantly going forward, albeit not without difficulties, and is bringing about changes in the institutions designed to ensure the genuine exercise of fundamental rights by Guatemalan citizens and provide the basic services required to meet the vital needs of the population.

No one can doubt that the organs of government are genuinely independent, that financial support is given to all local authorities, and that the Office of the Auditor-General and the Office of the Public Prosecutor, both key institutions in enforcing the law, have been comprehensively strengthened.

The guiding principle behind this process is to be found in the Political Constitution of the Republic and the laws, and in the recognition that those who govern and those who are governed alike must obey them. Full compliance with the rule of law is a further key element of democracy and of peace.

The genuine nature of the democratization process has inspired the Government and the people with the certainty that peace can be achieved. While some may seek to deny the dynamic nature of the democratization process which is under way, it is the inexorable force of events which is lending meaning and justification to all efforts to secure democracy.

Although some radical groups cling to a vision of Guatemala that is 20 or 30 years out of date, the Government with its commitment to democratizing and modernizing the State has not hesitated to agree on a broad agenda for negotiations with URNG, to adopt the Querétaro Agreement (Framework Agreement on Democratization), or to be the first to agree to the human rights proposals advanced by the Conciliator.

In his Initiative for Total Peace of 8 April 1991, President Serrano stressed the close link between the goals of achieving peace and expanding democracy, consolidating the rule of law, achieving economic growth under equitable economic and social conditions and, of course, ending the armed conflict. Consequently, the country has been endeavouring to achieve peace through development and democratization, regardless of the speed at which agreements emerge from the negotiating table.

As a result, many of the points which appear in the agreements with URNG correspond to constitutional provisions and programmes in progress, a fact which lends greater force to the agreements negotiated.

It is therefore legitimate to say that peace is at hand. When the channels for political participation with full guarantees are open, the hopes for peace cannot be deemed false. This is clear now that the Cold War is over and has ceased to be a casus belli imposed from outside. Now that the insurgents are speaking the language of democratization, they must recognize that democracy can be achieved only through the legal and democratic channels.

The recognition of these truths has reinforced the widely-held Guatemala that political violence is unjustified and is leading to the isolation and rejection of those who espouse it.

In addition, the new international conditions are also favourable to peace.

Following the dramatic collapse of the Iron Curtain and the subsequent freely taken decision by the peoples of the countries behind it to move towards a pluralistic and representative democracy, the Cold War has ended and the obsolescence of Marxist Leninist ideas (previously held up as a scientific truth) has been recognized throughout the world, while the political and military support given to guerrilla movements as part of the global conflict between the superpowers is becoming a thing of the past.

Notwithstanding the ambiguity of the ideological and political language generally used by URNG, the fact that it is now expressing itself in terms of democratic values constitutes a positive development for peace, as does its signing of the Querétaro Agreement on democratization.

At the same time there now prevails within the international community a sense of détente and an attitude in favour of the peaceful and immediate settlement of armed conflicts within or involving countries that might threaten regional or world peace.

In our case, the quest for peace has been greatly assisted by the understanding and support of the international community for an end to armed conflict, the exercise of human rights, efforts to limit impunity, the strengthening of democratic institutions and priority attention to poverty.

On the other hand we are faced with a world reality that demands of us, if we are to remain viable as a country, a supreme effort to modernize and be imaginative and competitive in every sphere, and this cannot come about without closing the wounds opened by political violence, and without being united in democratic cohesion in the face of the new challenges posed by rapidly changing events on the eve of the twenty-first century and the third millennium.

CONCLUSIONS ON THE NEGOTIATING PROCESS: CURRENT STATUS AND OUTLOOK

The quest for peace through political means, as provided for in the historic Oslo Agreement, is an indication that the use of armed force is not a means of resolving problems or of attaining power. The use of armed force does not reflect the aspirations of the people of Guatemala and has no place in the new world order. There is no longer any justification for bearing arms on the pretext that there is no possibility of political participation on ideological grounds, or in the name of so-called causes necessitating armed uprising (should any remain), since such issues cannot be resolved through violence, which simply impedes development and the enhancement of democracy.

The desire for peace and reconciliation obtaining in Guatemala has resulted in a firm commitment to engage in direct political negotiations with the insurgents. Following his participation in the peace process as a member of the National Reconciliation Commission representing the opposition political parties, and after signing the Oslo and El Escorial Agreements, President Jorge Antonio Serrano Elías, upon taking office, restated before the people of Guatemala and the whole world his commitment to reconciliation among Guatemalans. His democratic convictions led him to put forward his "Initiative for total peace in Guatemala", containing detailed and far-reaching peace proposals which led to the beginning of direct negotiations between the Government and URNG in which the Government is represented by a high-level delegation comprising civilian and military officials.

As a result of the first meeting between the government delegation and URNG the "Mexico City Agreement" (Agreement on the procedure for the search for peace by political means) was signed on 26 April 1991, with the participation of the Conciliator, Monsignor Rodolfo Quezeda Toruño, and members of the National Reconciliation Commission, and with the Personal Representative of the Secretary-General of the United Nations, acting as Observer.

The Mexico Agreement provides that:

(a) The aim of the negotiations is to secure as early as possible the signing of an agreement for a firm and lasting peace putting an end to the internal armed conflict and bringing about reconciliation among all Guatemalans, in accordance with the Oslo Agreement.

(b) The only participants in the negotiations will be the Conciliator, the Personal Representative of the Secretary-General of the United Nations, acting as Observer, together with their respective advisers, the government and URNG delegations, and the members of the National Reconciliation Commission, the latter for the purpose of noting and verifying the fulfilment of agreements.

(c) Any political agreements reached must be in accordance with the constitutional framework in existence in Guatemala and will form part of the agreement for a firm and lasting peace.

(d) The Conciliator may call together the various social sectors in order to report on the negotiations in the search for a firm and lasting peace.

(e) The timetable for the implementation, execution and monitoring of the agreement for a firm and lasting peace is to be set forth in the Agreement. All the provisions of the Mexico City Agreement are binding on the parties. For its part, the Government of the Republic of Guatemala has fully complied with the said Agreement and undertakes to continue to fully respect it.

A second result of the negotiating process is the Querétaro Agreement (Framework Agreement on Democratization in the Search for Peace by Political Means), which provides for the recognition of democracy in Guatemala and the importance of its development. This agreement will form part of the agreement for a firm and lasting peace.

The question of human rights, considered fundamental in the negotiating process, has been under discussion since September 1991. To date, of the 11 points making up the proposal originally submitted by URNG, we have reached agreement on 8, and these have been duly signed by the representatives of the parties, the Conciliator and the Observer. On 6 May 1992 the Conciliator submitted his final proposal to the parties on those points concerning human rights on which agreement has yet to be reached. The Government indicated its agreement with the Conciliator's proposal on 11 May, so that only a favourable response by URNG is needed before an agreement on this important issue can be signed.

It was inevitable that the negotiations would see the emergence of disagreements and differences, particularly where values, ideology and historical perceptions were involved, since the aim of the negotiating process is not to fuse distinct political forces, or to impose a political and economic model, but, as has been agreed, to end the internal armed conflict through political negotiations on issues of national interest so as to facilitate the incorporation of URNG into the legal and democratic life of the country.

We regret that during the negotiations URNG has repeatedly demonstrated its intent not to comply with the terms relating to procedure as laid down in the Mexico Agreement. URNG has sought to elude the obligation to respect the existing constitutional framework, the conditions relating to the time-frame for the validity of the agreements and the treatment of documents which are the object of the negotiations. URNG has also attempted to bring other actors to the negotiating table, which has occasioned continual difficulties unnecessarily delaying the process. We have had to devote a great deal of time to responding to URNG proposals on procedural aspects clearly laid down in the Mexico Agreement, which has significantly reduced the time available to deal with the issues comprising the general agenda.

To maintain momentum in the process and to keep it on track, all the participants must adhere to and respect the Mexico Agreement, since the easiest way to discredit and obstruct the process is to disregard agreed commitments.

In response to requests by President Jorge Serrano Elías, the Government has received the URNG comprehensive set of proposals containing all the specific points proposed by URNG for the negotiation of various substantive issues on the general agenda, which establishes the framework for the negotiations and allows for the orderly and coherent consideration of these points in a spirit of good faith and mutual respect, which must prevail in the negotiations.

However, the sectors of Guatemalan society that met URNG, in accordance with the provisions of the Oslo Agreement, made joint or separate statements concerning their respective assessments of the peace process. The Mexico Agreement clearly provides that the Conciliator, in his capacity as Chairman of the National Reconciliation Commission, may, as he thinks fit, call together the various sectors that participated in the meetings with URNG to report on the negotiations. Any contributions that these sectors may make to the Government in the form of initiatives, proposals and petitions to facilitate the signing of the agreement for a firm and lasting peace will be extremely positive, and, to that end, the Conciliator, in the discharge of the functions laid down in the Oslo and Mexico Agreements, must receive them and forward them as appropriate

It being the case that reconciliation among Guatemalans and an end to the internal armed conflict comprise the fundamental objectives of the negotiating process, in addition to the issues included by URNG in its comprehensive set of proposals, the issues relating to a final cease-fire, the demobilization of the insurgents, the incorporation of URNG into the political life of the country and the time-frame for implementation and monitoring of the agreements must also be considered substantive in terms of complying with the fundamental objectives stated earlier and with the wishes and aspirations for peace of the Guatemalan people. The Government of the Republic proposes simultaneous negotiation of these issues together with the URNG comprehensive set of proposals, in view of which it requests the Conciliator to contact the Secretary-General of the United Nations so that an initial proposal may be submitted relating to these technical and operational matters which are closely linked to the end of the armed conflict.

STRENGTHENING OF CIVILIAN AUTHORITY AND THE ROLE OF THE ARMY IN A DEMOCRATIC SOCIETY

A. Strengthening of civilian authority

The strengthening of civilian authority implies the practice of democracy in society in a climate of respect for the rights of citizens and the sanctioning power of public opinion. It is essential to recognize that the will of the people is the sole source of institutional legitimacy. Their will is expressed through periodic elections to choose public officials and national leaders, and it is realized through conditions and structures which enable civilian society to have a sustained influence on public affairs.

Civilian authority is reinforced by strengthening institutions so that citizens will transfer their allegiance to them if they provide a reasonable and tangible response to their needs, thereby building up those institutions. Furthermore, in order to strengthen civilian authority, the armed forces must remain subordinate to the authorities designated in the Constitution.

As the Querétaro Agreement recognizes, Guatemala has a democratic way of life based on a popularly elected Government whose legal, political and administrative structure automatically subordinates the military to civilian authority. Not only do the armed forces accept these conditions, but 10 years ago they promoted them by creating the conditions under which the recognition that sovereign authority lay with the people alone could occur. During this time, they have demonstrated their loyalty and commitment to the country's institutions and to democracy.

Civilian authority in Guatemala will be strengthened even further when the insurgency is demobilized, because its existence requires a heightened military presence in order to defend the nation.

Let us now turn to some specific aspects of the strengthening of civilian authority:

1. The Government is committed to the task of promoting the formation of democratic attitudes among the people through public awareness campaigns and dissemination of democratic principles and information on the rights and duties of citizens and the role of State institutions, in keeping with the democratic character of the Political Constitution of the Republic, as reflected in the Querétaro Agreement.

2. The Government reaffirms the provisions of the Querétaro Agreement on the need for the permanent elimination of any actions intended to limit, pressure or ignore civilian authority, by means of electoral fraud and coercion, military abuses and pressures, and anti-democratic, destabilizing actions.

The State has a permanent responsibility to support the national will to ensure that power is exercised lawfully and to oppose any action which may be taken to destabilize the democratic process and the rule of law.

3. In any democratic society, the nation's political will is formed through the open interaction of political parties, which are an expression of ideological pluralism, which mediate social conflicts and which are the vehicles for proposing candidates for office to be elected by the people.

In Guatemala, civilian political organization is not limited to such parties. Other legal forms of association and participation are provided for the expression of the will of the people both in political discussion and in fair elections.

In exercise of their freedom of association and expression, civilians have formed all manner of pressure groups, such as trade unions and professional associations and business, industrial, agricultural and financial associations.

Civilian society expresses itself through mechanisms for participation in defining, solving and decision-making with regard to national and local problems, such as development councils (at various levels), committees on social compacts and many other legally recognized means, as required by the specific dynamics of the problems at hand.

4. The three branches of government are effectively independent, and their independence has been consolidated in conjunction with the strengthening of our democracy.

Guatemala is undergoing a process of modernization, consolidation and preservation of the independence of each branch of government. This meets a fundamental condition of democracy that power must be adequately distributed and socially controlled.

Other State institutions exist which, although not branches of government, make possible the distribution and control of the exercise of power, such as the Court of Constitutionality, the Office of the Human Rights Advocate, the Office of the Public Prosecutor, and the Office of the Auditor-General. They enjoy complete autonomy and clearly defined jurisdiction, and through their effectiveness, they provide consistency in our democratic process and enjoy national and international recognition and respect.

5. In Guatemala, the sharing of power is also realized in the interests of democratization through the administrative decentralization process, as a result of which considerable decision-making powers and resources have been given to local and departmental governments. It is vitally important to enhance all the conditions reinforcing municipal authority and other local institutions, with a view to providing an immediate response to the needs of the people.

The absolute respect for municipal autonomy, the consitutional allocation of 8 per cent of the nation's regular budget to municipalities (which this Government has disbursed in a timely manner), the existence of development councils at all levels, and the appointment of justices of the peace in all

municipalities are some achievements in the consolidation of municipal authority and institutional decentralization that should be mentioned.

6. The National Police is civilian in nature, directed by civilians and falls under the Ministry of the Interior, as is the case in any democratic state. Furthermore, the National Police, as part of the country's criminal justice system, is also subordinate to the judicial branch, and carries out orders issued by the courts. This fact confirms the status of the police as a civilian institution.

The Government is making a sustained effort to professionalize the National Police and to provide it with equipment and other technical and material means to enable it, with the support and respect of the people, to carry out its duties of preventing crime, apprehending offenders and maintaining public order.

7. The Government is fully prepared to consider and welcomes with interest any initiative intended to strengthen institutional development, the rule of law and participation by the civilian population in the political process.

B. Role of the army in a democratic society

It is not surprising that URNG is seeking to discredit and criticize the role of the army as the defender of Guatemala's institutions, peace and security, and as the institution which has successfully confronted armed aggression against the State for over 30 years. What is surprising is that URNG still holds to the mistaken idea that war must be waged to achieve peace when the channels are open for the full exercise of the civil and political rights of all Guatemalans, without distinction as to ideology, social class or religion.

The Guatemalan army is a permanent institution, recognized and respected for its professionalism, loyalty and identification with the highest values of the State and the interests of the Guatemalan people, as well as for its dedication to the protection of national independence. The legitimacy of the army derives from the sovereign will of the people as expressed by its highest authority, namely, the National Constituent Assembly, which, in article 244 of the existing Political Constitution, has entrusted the army with the duty of maintaining the independence, sovereignty and honour of Guatemala, its territorial integrity, peace, and internal and external security.

Under the Constitution, the Commander-in-Chief of the armed forces is the President of the Republic, to whom the army is subordinate. Under current conditions in Guatemala, the armed forces perform their duties with loyalty and strict observance of the Political Constitution, respecting the laws and the authority of the President of the Republic.

Although in the past, unscrupulous attempts were made to take advantage of the sense of obedience inherent in military life, the army itself took action, as the record shows, to put an end to this situation. In so doing it

opened the way to democratic forces, which in turn, have made possible the genuine legitimization of the institutions and authorities and public participation in decision-making which is taking place in Guatemala, supporting the people's most precious democratic values and promoting the stability of the country's institutions.

As for the specific points put forward for discussion by URNG, we have the following comments:

1. "To redefine and relocate the constitutional and institutional role of the armed forces".

The Political Constitution defines the role of the armed forces as follows: "maintaining the independence, sovereignty, and honour of Guatemala, its territorial integrity, peace and internal and external security" (article 244).

As URNG itself recognizes, its aim is to bring about a change in this arrangement through a "political agreement".

The Mexico Agreement (Item 4) established that the political agreements that are the goal and purpose of the negotiations should be in accordance with "the existing constitutional framework". On the basis of this principle, which is binding on both parties, it is clear that the URNG proposal is not viable, since a political agreement on this subject would clearly run counter to the provisions of the Political Constitution.

The constitutional provisions outlined above may be amended only through the procedures established in articles 277 through 281 of the existing Political Constitution.

Furthermore, it should be pointed out that the provisions contained in article 244 on the role of the armed forces reflect universally accepted principles which Guatemala shares.

2. "In accordance with democratic principles, technical standards and the country's means to agree on the size, troop strength and economic resources available to the armed forces of Guatemala".

The size and resources of the armed forces are matters which should be examined and resolved in the light of the actual conditions obtaining in Guatemala and the regional balance of military power, a matter which, in accordance with the Esquipulas Agreements, is being discussed in the proper forums and in the Central American Security Commission, whose resolutions the Government will accept and implement.

3. "To regulate the internal democratization of the armed forces and ensure compliance with its role in a democratic society".

Article 244 of the Political Constitution itself states that the armed forces of Guatemala are professional, apolitical, loyal and not deliberative and that their organization is hierarchical; these are principles which govern the armed forces in all the democratic countries of the world.

The URNG statement is irrelevant, because it is at variance with the very nature of the organization of a professional army, which is based on obedience, the avoidance of political involvement, discipline, and hierarchy.

4. "To define the duties, objectives and areas of activity of the Military Intelligence Division".

A Military Intelligence Division is an essential requirement for the operation of any army in the world, and the duties, objectives and areas of activity of the Intelligence Division of the Guatemalan army lie within the framework of the principles established by the North Atlantic Treaty Organization (NATO).

"Intelligence" is universally recognized as a valuable tool for defining high-level strategies (military, industrial, political, etc.). Consequently, the duties, objectives and areas of activity of "military intelligence" are fundamentally the same everywhere in the world, whether in peace time or in time of war, international armed conflict or disruptions of the internal peace and security of a country.

5. "To convert the military installations or agencies of the army (munitions factories, paramilitary institutes, financial institutions), into agencies which can contribute to the industrial, economic and technological development of the society and to place them under civilian authority.

The capabilities of the administrators of the educational, social and industrial organs of the Guatemalan army are measured against standards laid down in the relevant laws, thereby ensuring their contribution to the industrial, economic and technological development of the society".

It is clear that the end of the internal armed conflict and the demobilization of URNG could create the conditions under which resources that are now required to be used in the fight against subversion can be allocated to development projects. In these circumstances, adjustments can be expected in the activities which, under the Constitution, the army is required to perform.

IDENTITY AND RIGHTS OF INDIGENOUS PEOPLES

It cannot be denied that large groups of indigenous inhabitants live in poverty and marginalization. These groups have historically been the victims of economic exploitation and have, moreover, been flagrantly denied any role in planning for development and any enjoyment of the benefits thereof.

We are aware that a Guatemalan identity does not exist without its indigenous cultural roots.

In the past, the Indian question was approached as a unilateral, one-sided undertaking the sole purpose of which was to integrate the indigenous peoples into the Spanish culture.

Today the Indian question requires a different approach; no longer can native peoples be regarded as mere objects on whose behalf action must be taken. They must now be seen as social actors, masters of their own destiny, emerging from history and capable of assimilating the tools and values of the modern world for their own advancement.

The indigenous peoples of Guatemala are demonstrating their capacity for independent development, grasping the opportunities which the society and the legal system offer them. With extraordinary resourcefulness, they have made a dramatic and successful entrance into the social and economic life of the country, thereby affirming that development is not necessarily achieved by way of cultural integration, but, rather, through updating and making fuller use of the assets passed on to them by their forbears. We Guatemalans know today that the democratic society that we are constructing must be rich in pluralism, not only ideological, but also social and ethnic.

Let us look at some aspects of the ethnic policy of the Government:

1. With regard to the rights of our indigenous peoples, we must distinguish between those rights to which they are entitled as Guatemalans and those derived from their status as a distinct cultural group.

There is no constitutional or legal discrimination against indigenous peoples. Nevertheless, de facto discrimination still exists and efforts are being made to combat this. These efforts, however, must be intensified in order to bridge in the shortest possible time the gap between the Spanish and the indigenous peoples in the effective enjoyment of the rights set forth in the Political Constitution of the Republic for the benefit of all Guatemalans, and in the living conditions and political and material opportunities for contributing to the process of development and for enjoying the fruits thereof. Thanks to this policy of openness and change, indigenous peoples have acceded, as a result of popular elections, to seats in the National Constituent Assembly, in the Congress of the Republic and in a large number of municipal bodies.

As for the second case, the Political Constitution of the Republic provides for special treatment for indigenous communities, as a distinct cultural group.

2. In the cultural field, there is need for greater recognition, protection and promotion of the existence and integrity of the social and religious values and practices of the indigenous peoples, so that, with the co-operation and participation of the national society (nation-state), they can modernize

their production systems, improve their cultural expressions and, in general, attain higher standards of living. Urgent attention needs to be paid to extending the coverage and priority of literacy programmes, expanding and improving bilingual education, regionalizing the school curriculum and motivating the indigenous communities themselves to participate in the implementation of the educational programmes designed for their benefit, including in the appointment of the required teaching and technical staff.

3. Training programmes in the Spanish language are offered to indigenous communities to provide a means of communication between all Guatemalans and access to universal culture.

4. In order to ensure that where native people who neither speak nor understand the Spanish language are party to judicial proceedings they are able to enjoy the right to a proper defence and to a fair trial, the services of competent interpreters must be provided automatically and free of charge. The necessary steps are already being taken to ensure that such services are available.

5. Under the Constitution (articles 67 and 68), the Government is required to protect the lands which have historically belonged to the indigenous communities and which have traditionally been administered by those communities under special arrangements, and to provide them with land and with the technical and financial services necessary for the effective management and use of that land.

6. The participation of indigenous peoples in the political process must be achieved in the same conditions as for all Guatemalan citizens and without any special treatment.

However, through their effective social control of local governments, municipalities are called upon to express the interests, viewpoints and cultural characteristics of the ethnic groups which they represent. Through linkages, municipalities representing a homogeneous ethnic group will constitute a cultural subregion, through which it may eventually be possible, depending on the dynamic of the development process itself, to establish the basis for a future administrative division.

This issue needs to be dealt with calmly, since hasty solutions could lead to hitherto unimaginable conflicts. The Government considers it prudent to allow the very process of political development in the country to suggest the safest and most efficient administrative mechanisms for effectively protecting the rights of each ethnic group.

CONSTITUTIONAL AMENDMENTS AND ELECTORAL SYSTEM

Our current Political Constitution is the outcome of a democratic process which culminated in the election of a National Constituent Assembly, the legitimacy of which is beyond question. All sectors of the country's legal community participated in the Constituent Assembly, which produced a document that has been recognized, nationally and internationally, in the highest political and academic circles, as one of the most progressive and modern juridical texts.

We recognize that, in view of the actual social, political and economic conditions prevailing in Guatemala, it will take time to give full effect to all the constitutional standards, since this will necessitate structural, cultural and social changes in order for the full benefit of the Constitution to be felt. But it is likewise undeniable that significant progress has been made in this regard during the past six years, thus putting the country on the road to democracy, freedom and the rule of law, thereby making peace a real possibility.

Amendment of the Political Constitution must be carried out in accordance with the procedure set forth therein and reflect the national consensus as expressed by the competent body, i.e., the National Constituent Assembly or the Congress of the Republic, as the case may be.

In the El Escorial Agreement, URNG accepted "the commitment to promote amendment of the Political Constitution of the Republic, <u>through the mechanisms established by that instrument</u>", as the sole way of achieving it.

Moreover, it was stated, in the Querétaro Agreement (para. 6) that:

> "Any political agreements reached by the Government of the Republic of Guatemala and the Unidad Revolucionaria Guatemalteca (URNG) shall ... <u>submit constitutional amendments to the Congress of the Republic, within the framework and spirit of the Political Constitution of the Republic of Guatemala and of the Oslo, El Escorial and Mexico City Agreements</u>."

The National Constituent Assembly, and the Congress of the Republic (acting as a constituent body), are the only sovereign State bodies endowed with the institutional status and competence, stemming from the Political Constitution itself, to consider any possible constitutional amendment.

Under article 277 of the Constitution, the executive has the power to propose amendments to the Constitution. Under article 278, the Congress of the Republic is responsible for convening the necessary meetings and determining which articles are to be amended, while responsibility for adopting or rejecting the amendments proposed lies with Congress or the National Constituent Assembly.

Political agreements between the Government and URNG cannot usurp the role of a sovereign constituent body which represents the whole of the Guatemalan people.

Consequently, in looking at the content of any agreements, it is vital to examine whether constitutional reform is appropriate and necessary. Although most of the firm proposals by URNG do not require constitutional reform, the Government is willing to discuss the latter's proposals on the subject. It may be that as a result of these discussions the executive will exercise its power to propose constitutional amendments to Congress.

Amendment of constitutional laws (such as the Elections and Political Parties Act, the Public Order Act, etc.), is the responsibility of the Congress of the Republic in accordance with the procedure laid down in article 175 of the Constitution. As a result, the powers of the executive in this area are confined solely to submitting legislative proposals to Congress and the negotiations could produce political agreements on that question.

SOCIO-ECONOMIC QUESTIONS

No one can deny that there are serious and wide-ranging social and economic problems in Guatemala, which require concerted and decisive action on the part of the Government and all sectors in the country.

We agree that the long-standing shortcomings in the field of health care, education, nutrition, housing and security are endemic socio-economic problems which have been aggravated by the armed conflict, and that, even with the best political will, a sustained effort over a period of years is required to overcome them.

The present Government has undertaken to introduce policies and launch innovatory and vigorous programmes to find solutions in the short-, medium- and long-term, and will seek to secure the effective participation of the population, so as to enable it to cooperate in a clearly defined and systematic manner in the national effort to eradicate poverty, illiteracy, infant mortality, malnutrition and, in general, all the ills which have led to the present state of affairs. Society as a whole must be aware that this unjust situation affects us all, directly or indirectly, and that national solidarity and commitment are urgently needed in order to make the necessary changes.

The whole country is involved in the effort to overcome the deficiencies of the social system. One significant example of this was the issuing of emergency bonds in 1991, the proceeds from which were used exclusively to finance education, health care, infrastructure and security programmes. The general budget for 1992 places clear emphasis on social investment. The Government has formulated and circulated its economic and social policy for the period 1991-1996 and has adopted a medium-term plan of action for social development.

The socio-economic proposals now put forward by URNG are comparable to the approach and programmes followed by any modern government and a consensus can therefore be reached on how the country's problems should be resolved.

On the basis of the above considerations, let us look in detail at the specific content of the proposals.

Social questions

1. Education and the training and upgrading of human resources represent a major challenge for Guatemala, both at domestic level and with a view to becoming part of what is seen as a new global economy. The objectives and goals of primary and secondary education in both urban and rural areas must change in order to move from an encyclopaedic, academic style of learning to a genuinely modern approach to education based on inquiry and geared to the needs and interests of the different sectors of the population.

Bilingual education is a fundamental part of the education reform and we should seek to promote and encourage respect for our country's culture, on the basis of the programmes already being undertaken by the Ministry of Education, such as the PRONEBI project and the cooperation on the PRODIPMA project, which enjoy international support because of their importance and scope.

A large share of the general budget for 1992 is earmarked for the Ministry of Education and there has been a considerable increase by comparison with last year. This year 5,000 new teachers' posts have been created in the primary sector (an increase of 10 per cent over 1991) and it is hoped that this will reduce the shortage in this sector by 25 per cent.

2. On asssuming the Presidency of the Republic on 14 January 1991, Jorge Serrano Elías said:

> "I am aware of and concerned by the situation of our health care system, and we will devote special and urgent attention to halting the decline in the health and well-being of our people. We will launch preventive programmes, in which we invite non-governmental organizations to cooperate, so that through a combined effort we can prevent foreseeable diseases which cause death and disability."

These words have been the inspiration behind the Government's health policy which is geared to prevention rather than cure, to developing and strengthening the public health system, and to treating health as a vital element in improving the living conditions of our people and the development of our country.

The Guatemalan Social Security Institute (IGSS) must be strengthened to enable it to extend its geographical, as well as its social and medical coverage and the efficiency and quality of its services must be improved.

The administration and management of IGSS will be in line with the Social Compact resolution, which recommends that these functions should be assumed mainly by workers and management. In addition, coordination has been established between the activities of IGSS and those of the Ministry of Public Health and Social Welfare, with the aim of extending IGSS coverage to the entire population.

3. Since the present Government took office, a policy of food security has been pursued, with the aim of:

(i) ensuring supplies of the products which form the basic diet of our people;

(ii) maintaining adequate and fair price levels which enable the poor to obtain these products, while providing producers (most of whom are small farmers) with an adequate income;

(iii) improving the diet of the population.

This policy has been successful in that there has been no shortage of the products in question and prices have fallen or at worst remained at the same level as in early 1991.

The Government is in favour of encouraging production by decontrolling prices of and trade in basic foodstuffs and the experience of the last 17 months has confirmed that the Government's policy, which is aimed at achieving macroeconomic stability without intervening in microeconomic decisions (which are the province of economic operators), is the right one and has produced satisfactory results.

The school biscuit programme is a further element in the Government's food policy and has been carried out with the help of the Institute of Nutrition of Central America and Panama (INCAP) as a necessary means of improving the diet of primary school children. Production of the biscuits has been improved through agreements with small businessmen in different regions of the country and distribution has been organized so as to ensure that all primary or nursery schools receive adequate supplies in good time.

4. Housing is one of the most complex problems facing our country; it requires continual investment to meet the needs created by a constant level of population growth and will be a difficult problem to resolve in the short term.

The Government has recognized the need to combine its efforts with those of municipal and local authorities in promoting and improving human settlements through the provision of large-scale basic housing and basic facilities, especially in rural areas, so as to halt and redirect the chaotic growth of urban centres, particularly the capital.

The Government is attempting to devise new emergency housing policies for the poor, with a view to providing affordable basic housing in order to help resolve this serious problem as soon as possible.

Economic questions

1. Agricultural development must include:

(i) Policies for the orderly settlement of national land suitable for farming;

(ii) Incentives for the development and rational use of land;

(iii) Redistribution of farmland through Fonatierra (National Land Fund), attached to INTA, which manages a fund for the voluntary purchase of land suitable for farming, pasture or forestry, and its immediate sale to organized farmers' groups, providing them with financial and technical support for the establishment of highly productive and efficient farms;

(iv) Security of tenure for owners of land parcels; and

(v) Job security and social security for farmworkers.

The Government is determined to ensure that farming does not damage the environment and is devising reforestation and forestry programmes for land unsuitable for farming. The preservation of biodiversity and optimum use of natural resources are challenges which Guatemala must face as a matter of urgency if it is to provide proper living conditions for present and future generations.

The Government wants to ensure that disputes over ownership and possession of land should be resolved fairly and in accordance with the law and will cooperate with the judicial authorities in achieving this goal, regardless of the economic, social, ethnic or political background of the parties concerned.

2. The Government agrees with URNG on the need to set up a body responsible for the promotion of exports, so as to seize every opportunity of opening up and maintaining overseas markets in order to benefit as many Guatemalan producers as possible, with due respect for the principles of free trade.

With this aim in view and in the context of Central American integration, bilateral free trade treaties have been concluded with El Salvador and Honduras. In addition, significant progress has been made towards liberalizing trade with Mexico, Colombia, Venezuela and the United States of America.

With regard to Central American integration, efforts have been redoubled to re-establish the role of the integration bodies, by giving them responsibility for new and wider-ranging programmes in the political, economic, cultural and social fields.

3. The Government values the international cooperation, both technical and financial, provided by international bodies, friendly countries and non-governmental organizations, in helping to meet the social needs of the population, and recognizes that it is a vital contribution to national development.

The Government has an open-door policy on foreign investment. Foreign investors are welcome and the Government provides them with every facility needed to establish themselves in Guatemala, without privileges or discrimination and on an equal footing with Guatemalan investors, the only condition being that they must accept and comply with the country's laws.

4. Despite the Government's commitment to eliminating the scourge of administrative corruption which affects the various public institutions, there is still much to be done in order to ensure probity in the running of public affairs. The Government has given clear priority to eradicating such practices at all levels and ending the impunity which has accompanied and encouraged them.

5. There is no doubt that in the past economic contraction and the lack of financial balance resulted in rising levels of unemployment, increasing underemployment, the parallel development of the informal sector and a drop in real salaries. The Government's response to these problems includes efforts to achieve economic stability, without resorting to shock policies and with the emphasis on economic growth, open up new markets for Guatemalan products, modernize the tax system and revitalize public investment.

During the present Government's term of office, salaries have recovered much of the value they lost as a result of inflation and devaluation. The success in reducing inflation to 9 per cent in 1991 together with the general increase in public sector salaries ordered by the Serrano Government and the introduction of a general minimum wage, have increased the real salaries of all workers. In addition, a government post regrading and salary adjustments programme, which will lead to further improvements in the real salary of workers, is due to be introduced on 1 July 1992.

The Government believes that basic and technical training is vital in order to bring onto the labour market workers possessing skills and expertise in technical fields where salaries are higher and job stability is greater.

The Government believes that labour law needs to be updated and that all aspects of management need to be modernized, and it supports all measures to achieve that end.

6. The URNG proposals on industrial development and the promotion and strengthening of small- and medium-sized businesses seem reasonable.

RESETTLEMENT OF POPULATION GROUPS UPROOTED BY ARMED CONFLICT

During the bloodiest period of the armed conflict, the insurgents took refuge in dozens of rural communities, for the most part indigenous ones, in the central and north-western highlands of Guatemala, forcing them through their armed presence to undergo a process of insurrectional militarization, which drew those communities against their will into a climate of violence. Because of the armed conflict, they suffered the horror of loss of human life

and material possessions and some communities were forced to give up their property and seek refuge in other parts of the country or in neighbouring countries.

The process of democratization has created security conditions enabling most of the internally displaced persons, who had fled to the mountains or other areas in the country, to return to their communities of origin. The flow of voluntary repatriations has also been constant, making it possible to close the refugee camps in Honduras and reduce the number of refugees in Mexico.

Part of the general problem of resettling uprooted population groups is linked to the specific social and political conditions in the country, which affect the overall population and, therefore, are among the substantive issues on the agenda for negotiations.

There is also the particular problem of the uprooted population groups, which, in order to bring about a fair and satisfactory solution, must be considered with a view to improving the conditions of the communities where the reintegration process will be carried out. This approach precludes the formation of "ghettos" because that would perpetuate their separate status and cause antagonism, which should be foreseen and avoided. We are seeking to bring about an overall solution integrating those who returned from elsewhere within the country and from abroad with those who, not having been displaced, are as poor as the first group and endured the waves of political violence without leaving their communities.

The resettlement process put in such terms, requires a major social and governmental effort, for which the help of non-governmental organizations and the support of the international community will be necessary. In addition to being a problem affecting a great many of the inhabitants of the so-called "zones of violence", it is also a complex problem by virtue of the enormous diversity of the particular situations involved, which will make it necessary to deal with the persons affected in order to resolve each case in a satisfactory manner. Of course, the specific issues must be resolved with the persons affected themselves, who cannot and should not be supplanted.

The Special Commission for Refugees (CEAR), which has been in existence for years and was recently strengthened by the Government has, with the cooperation of UNHCR and other non-governmental organizations, played an active role in repatriating and resettling refugees, and its work has enabled thousands of Guatemalans who had moved to Mexico to return voluntarily, either individually or in groups.

Furthermore, CEAR has been negotiating, through the Mediation Commission, with the Standing Committees of Refugees in Mexico seeking to bring about the massive repatriation of such persons and has reached agreements in that regard. Accordingly, plans have been made and are being carried out for the voluntary repatriation of approximately 32,000 persons in 1992 and 1993.

The Government believes that, in this way, the question of the refugees and displaced persons is being addressed directly with those concerned and the corresponding national and international bodies.

The Government's position on some specific points relating to this question should be stated at this stage:

1. Action should be taken in accordance with the commitments set forth in the letter of understanding signed on 13 November 1991 between the Government of Guatemala and the Office of the United Nations High Commissioner for Refugees (UNHCR) with regard to guarantees for security and protection.

2. The return of uprooted population groups to their places of origin or places of their choosing for their effective economic and social reintegration should be planned within the framework of the overall rehabilitation of the communities and regions receiving them.

3. The principle of voluntary return, which may take place on an individual basis or in groups, in an orderly, planned and gradual manner organized in accordance with the infrastructure existing at the time must be respected.

4. Conditions must be established in the areas of possible return so that economic activity may be engaged in, permitting the long-term development of the communities that live in such areas. To this end, the Government has set up, among other mechanisms, the National Peace Fund (FONAPAZ) in order to finance the provision of basic services to such population groups and promote productive enterprises, both agricultural as well as industrial and service-oriented ones.

5. The Government is promoting studies of available State-owned land in the resettlement regions and land which may be acquired for this purpose; and, as a result, the purchase of land has begun, which will facilitate resettlement under suitable conditions.

6. The Government is guaranteeing the right of returnees who, when they left the country, were owners of rural landed property in Guatemala or had been awarded such property to regain possession of it, or will provide them with equivalent land. In the case of persons who were merely tenants of such property in Guatemala, the Government will attempt, through the legal channels, to determine the juridical status of such plots in order to return them to the tenants or, if this is not possible, will provide them with similar plots of land.

7. Development programmes in the areas most affected by the conflict will ensure that the non-displaced population groups, which are just as necessary as the resettled or returnee groups, can receive financial and technical support on an equal footing so as not to create any system of privileges or undesirable antagonism, which might lead to further conflict.

FINAL CONSIDERATIONS AND RECOMMENDATIONS

The Government believes that the URNG comprehensive set of proposals and the Government's position as set forth in the present document give an irreversible impetus to the search for peace in Guatemala given that:

FIRST: Both documents contain conceptual proposals which reflect the positions of the parties and are of great historical value for the full understanding and for the resolution of a confrontation which has lasted for over 30 years.

In this connection, we consider it important, in the interest of setting the historical record straight, to include as an addendum to this document the "Total Peace Initiative in Guatemala" submitted to the nation by President Jorge Antonio Serrano Elías on 8 April 1991.

SECOND: It is to be noted that the proposals of the Government and of URNG coincide with respect to a great many points and we consider that these could immediately form part of substantive agreements.

THIRD: Similarly, the proposals reflect a narrowing of the distance between the two sides and, although slight differences remain, they might easily be developed into common positions that would also be included in the agreements.

FOURTH: We also observe that there are differences which, in our view, can be resolved if the parties seek understandings, in a positive spirit, within the framework set by the Oslo, Mexico City and Querétara Agreements.

FIFTH: It is noteworthy that in its submission, URNG does not state its position on such fundamental issues as a definitive cease-fire and the demobilization of the insurgency.

As these issues must be part of the final agreements, the Government deems it essential to request the United Nations, on the basis of its vast experience in this matter, to elaborate a proposal for discussion by the parties simultaneously with the substantive agenda.

SIXTH: As a token of the Government's political will to reach an expeditious solution to these problems, we propose, with effect from the second fortnight of July 1992, that we declare a permanent session of the peace delegation of the Government and URNG, meeting during alternate weeks until the agenda under discussion has been exhausted and the final document drafted to put an end to the armed confrontation and to guarantee, by means of verification by the United Nations, the implementation of the substantive agreements that will have been signed.

APPENDIX

Initiative for Total Peace in Guatemala

Jorge Serrano Elías,
Constitutional President of
the Republic of Guatemala

Under the terms of the Constitution, the Government of the Republic is required to establish conditions which will guarantee to all Guatemalans, without discrimination in any form, life, liberty, justice, security, peace and the all-round development of the individual.

In this context, the Government will continue its efforts to search for peace in the spirit of the Esquipulas Agreements and in conformity with the Oslo Agreement, the terms of which it recognizes and fully respects.

In addition, the Government is mindful of the final declarations of the meetings held at El Escorial, Ottawa, Quito, Metepec and Atlixco, at which the various social sectors in the country, including the insurgent movement, voiced the national consensus regarding the need to find a political solution to the armed struggle and simultaneously to promote, within the framework of law, actions conducive to the further improvement of Guatemalan democracy.

Lastly, the process of democratization taking place in the country has opened up opportunities for free political participation by all sectors, with no marginalization, and accordingly the use of violence is now unjustified as a means of influencing decisions of State.

The content of the peace

We aspire to a total and lasting peace, which means not merely a cease-fire, but in addition laying the foundations for the reconciliation and harmonious coexistence of the Guatemalan family, based on the following fundamental postulates:

First: Termination of the armed struggle

An end needs to be put to the armed struggle which has devastated the country for more than 30 years, leaving in its wake poverty, death, orphanhood, widowhood, grief, suffering and insecurity among all sectors of the Guatemalan people.

To attain this end, the insurgent action must be completely ended as a result of serious negotiations which will lead to the drawing up of timetables, programmes and procedures that will make it possible to ensure that the fronts and mechanisms of subversion are dismantled so that the counterinsurgency operations can be discontinued.

Parallel with this, efforts will be made to ensure that the conditions prevail which will enable all Guatemalans, specifically including those fellow citizens who were involved in subversive activities, to enjoy fully the rights embodied in the Political Constitution of the Republic and to guarantee the populations uprooted by the violence and the security required for their reintegration into social and political life within the framework of law.

Second: Greater economic and social equity

The need is recognized to expand and strengthen the programmes the Government of the Republic is conducting in order to overcome the conditions of extreme poverty and destitution in which large sectors of our population are living, support the modernization of our economy and provide solutions to the urgent problems of communication, education, health and social welfare and security.

With the ending of the armed struggle, the Government of the Republic will be able to devote more resources to dealing with the serious imbalances prevailing in the country, which give rise to serious social tensions and whose solution is a necessary corollary of the economic and social rights of all human beings, a condition for genuine democracy and a guarantee of the preservation of peace.

Total peace cannot exist without social peace, and for this to be attained the State needs to strengthen the underpinnings of the common welfare.

Third: Respect for and strengthening of the rule of law

The rule of law requires that all inhabitants of the country should align their conduct with the law. The State needs to strengthen the juridical system in order to achieve greater levels of security for individuals and their property, and of respect for human rights.

Total peace can be perpetuated and strengthened only if there exists a genuine regime of law in which the legislation applies fully and equally to all.

Fourth: Intensification of the democratic process

Despite the undeniable progress achieved in the establishment of democracy as a political system and a mode of social coexistence, there is nevertheless a need to intensify still further the action to improve it by strengthening democratic institutions and free, informed and organized participation by the entire population in the ongoing decision-making process through administrative decentralization, strengthening of local authorities and revival of Mayan cultural values.

PROCEDURES FOR ACHIEVING PEACE

First: Definition of the terms of the "total peace" agreement

In line with the spirit and the letter of the Oslo Agreement, it is proposed that meetings should be held as early as possible, and at the latest by 20 April 1991, for the purpose of defining and drawing up solutions that will lead to the preparation of the total peace agreements.

For these meetings to be successful, an atmosphere of privacy and discretion is called for in the discussions at this stage so as to ensure a mature, serious and flexible approach which is not exposed to sectarian pressures or to public confrontation alien to the highest national interests, which might impair the good will of those participating in the process of the search for peace. Nevertheless, by common accord, public opinion will be kept informed of the progress made.

For such meetings, the Government insists on being able to count on the invaluable services of the National Reconciliation Commission and the Conciliator, Monsignor Rodolfo Quezada Toruño, and on the valuable presence of the Observer designated by the Secretary-General of the United Nations, Dr. Francesc Vendrell.

Second: Meeting for the signature of the "total peace" agreements

On the satisfactory conclusion of the negotiating process that will lead to the preparation of the final total peace agreements, these will be signed at Oslo, on the kind invitation of the Government of Norway, or at any other place mutually agreed upon.

As Constitutional President of the Republic, I place on record my desire to be present on that historic occasion.

Guatemala City, 8 April 1991

Articles of the Political Constitution of the Republic of Guatemala cited in this document:

Indigenous Communities:

Article 67. Protection of Indigenous Agricultural Lands and Cooperatives. The lands of the cooperatives, indigenous communities or any other forms of communal or collective possession of agrarian property, as well as the family inheritance and popular housing shall enjoy the special protection of the State, and shall receive concessional credit and technical assistance in support of their ownership and development in order to ensure an improved quality of life to all inhabitants.

The indigenous and other communities which may own land that has historically belonged to them and which they have traditionally administered under special conditions will continue such existing arrangements.

Article 68. Lands for Indigenous Communities. Through special programmes and suitable legislation, the State will provide State-owned lands to the indigenous communities that may need them for their development.

Formation and Sanction of the Law:

Article 175. Constitutional hierarchy. No law can run counter to the provisions of the Constitution. Laws that violate or distort the constitutional mandates are ipso jure null and void.

The amendment of laws held to be of a "constitutional" nature shall require the vote of two thirds of the total number of deputies who make up Congress, following the favourable ruling of the Court of Constitutionality.

The armed forces:

Article 244. Integration, Organization and Goals of the armed forces. The armed forces of Guatemala are an institution intended to maintain the independence, sovereignty and honour of Guatemala, its territorial integrity, peace, and internal and external security.

They are one and indivisible, professional in nature, apolitical, loyal, and not deliberative.

They are made up of ground, air and naval forces.

Their organization is hierarchical and based on the principles of discipline and obedience.

SINGLE CHAPTER

Amendments to the Constitution

Article 277. Initiative. The following have the power to propose amendments to the Constitution:

a. The President of the Republic in the Council of Ministers;

b. Ten or more deputies to the Congress of the Republic;

c. The Court of Constitutionality; and

d. The people through a petition addressed to the Congress of the Republic by no fewer than 5,000 citizens duly listed in the Register of Citizens.

In any of the cases above, the Congress of the Republic must address the issue raised without delay.

Article 278. National Constituent Assembly. In order to amend this or any article contained in Chapter I of Title II of this Constitution, it is an absolute requirement that the Congress of the Republic, by the affirmative vote of two thirds of its members, should convene a National Constituent Assembly. In the summoning decree, the article or articles to be amended shall be specified and shall be communicated to the Supreme Electoral Court so that it may determine the date on which the elections are to be held within the maximum period of 120 days, proceeding in other respects in accordance with the Constitutional Electoral Law.

Article 281. Articles not subject to amendment. In no case can Articles 140, 141, 165, paragraph (g), 186, and 187 be amended, nor can any question be raised relating to the republican form of government, to the principle that the President of the Republic may not be re-elected. Neither may the effectiveness or application of the articles that provide for alternation in the office of the President of the Republic be suspended or their content changed or modified in any other way.